



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,100	10/21/2002	Martin Philip Usher	11696.0054	1690

7590 09/11/2009
Stuart T F Huang
Steptoe & Johnson
Box PTO
1330 Connecticut Avenue N W
Washington, DC 20036

EXAMINER

DOAN, KIET M

ART UNIT	PAPER NUMBER
----------	--------------

2617

MAIL DATE	DELIVERY MODE
-----------	---------------

09/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/069,100	Applicant(s) USHER ET AL.	
	Examiner KIET DOAN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 9,10,12,13,15 and 16 is/are rejected.
- 7) ☒ Claim(s) 11 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is response to BPAI Decision "AFFIRMED-IN-PART" on 08/25/2009

- Claims 9, 10, 12, 13 and 15 are sustain.
- Claim 16 is reverse.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 9-10, 12-13 and 15** are rejected under 35 U.S.C. 103 (a) as being unpatentable over Zicker (Patent No. 6,314,286) in view of McConnell et al. (Patent No. 6,633,636)

Consider **claims 9 and 13**. Zicker teaches a method for facilitating telephone traffic between a fixed cellular network and a movable network (C4, L28-38, Fig.1, Illustrate ground station No.36 as fixed cellular network and No.30 as movable network aboard a vehicle), comprising: configuring a ground-based host node to forward incoming calls from the fixed cellular network to the a plurality of users through the moveable network, and to forward outgoing calls from the plurality of users (C3, L57-67, C4, L1-58 teach the ground station provide communication to subscriber/users and further cited in C9, L55-64 as Fig.2 Illustrate No.50 as plurality of users). Zicker teaches

Art Unit: 2617

the limitation of claim as discuss **but is silent on simultaneously** suspending, in response to a control signal, forwarding incoming calls to the plurality of users;

wherein said suspending forwarding incoming calls does not disconnect a call in progress between any of the plurality of users and the fixed network.

In an analogous art, McConnell teaches “Integrated wireless and private branch exchange communication network”. Further, **McConnell teaches simultaneously** suspending, in response to a control signal, forwarding incoming calls to the plurality of users; wherein said suspending forwarding incoming calls does not disconnect a call in progress between any of the plurality of users and the fixed network (C2, L40-56, C7, L7-41, Fig.4, Illustrate steps of receiving (incoming call) wherein suspend and forwarding call to users).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Zicker and McConnell’s system, such that telephone traffic between a fixed cellular network and a movable network aboard a vehicle and simultaneously suspend, forward incoming calls to the a user through the moveable network without disconnect call, to provide means for secure call and uninterrupted communication in moving traffic.

Consider **claim 10**. The combination of Zicker and McConnell teach the method of claim 9, further McConnell teaches wherein said configuring comprises registering routing information for a telecommunications device associated with the each of the plurality of users aboard the vehicle (C4, L65-67, C5, L1-35, Fig.2, Illustrate HLR that

containing subscriber data base wherein registering routing information for a telecommunications device).

Consider **claims 12 and 15**. The combination of Zicker and McConnell teach the method 10, further McConnell teaches wherein said suspending incoming calls comprise de-registering the routing information (C5, L25-48, teach HLR wherein can be register/de-register the routing information).

4. Claim 16 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Zicker (Patent No. 6,314,286) in view of Ariga (US 6,625,455 B1).

Consider **claim 16**. Zicket teaches a method for facilitating telephone traffic between a ground-base cellular network and a movable network aboard a vehicle, comprising:

sending registration information of a user aboard the vehicle to the ground-based cellular network, such that the user can receive incoming calls and place outgoing calls from the vehicle consistent with the user's preexisting cellular telephone account (Col.9, lines 9-15, 28-33, 45-60, Fig.9 show from step 126 that mobile phone register when on board on aircraft and conduct communication). Zicket fails to explicitly teach

sending a control signal representing a request for the ground-based network to discontinue forwarding incoming calls to the vehicle;

Wherein said control signal does not affect a call in progress between the user and the fixed network.

Wherein said control signal does not affect a call in progress between the user and the fixed network (Col.12, lines 40-53, Col.14, lines 10-17)

In an analogous art, **Ariga teaches** sending a control signal representing a request for the ground-based network to discontinue forwarding incoming calls to the vehicle (Col..2, lines 32-36, Col.4, lines 63-67, Col.5, lines 1-20, Fig.1a and 1b Illustrate and teach mobile device receiving suspension power off “discontinue forwarding incoming calls to the vehicle” from base station).

Therefore, it would have been obvious at the time that the invention was made to modify Zicker with Ariga’s system such that sending a control signal representing a request for the ground-based network to discontinue forwarding incoming calls to the vehicle in order to prevent and avoiding interference.

Allowable Subject Matter

5. Claims 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIET DOAN whose telephone number is (571)272-7863. The examiner can normally be reached on 8am - 5pm.

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiet Doan/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617